

## **REMARKS**

This is intended to be a complete response to the Final Office Action mailed August 8, 2004, in which claims 1-10 were rejected.

Applicants hereby request continued examination of the application in accordance with 37 C.F.R. §1.114.

### **Rejection Under 35 U.S.C. §103(a)**

Claims 1-10 stand rejected under 35 U.S.C. 103(a), as being unpatentable over Newport (AU 42319/78) 1979, in view of Landau (US 5,235,782) 1993 and Evans (US 3,512,700) 1968.

The invention as claimed herein is directed to a plant package comprising a potted plant wrapped by a floral sleeve. The floral sleeve has a tapered shape and when flat has a convexly curved lower end with a gusset, the gusset having a curved inner fold therein.

In the rejection the Examiner asserts that it would be obvious to modify the sleeve of Newport to include a gusset as taught by Landau, and to modify the lower end to have a convexly curved lower end as taught by Evans.

Firstly, Applicants traverse the Examiner's combination of the various elements of the art to arrive at the present invention. There is no motivation in any of the references to modify the straight bottom gusset of Landau with the curved bottom gusset of Evans. Landau in particular teaches that there is

a “void area” in the lower end of the sleeve for collecting drainage from the potted plant (see Col. 3, lines 47-52). If the lower end of the Landau sleeve was modified to have a curved lower end which more snugly fit to the pot, the “void space” required by Landau would be reduced or even eliminated. Such a modification would be against the teachings of Landau.

On this basis alone the Applicants assert that the combination of references made by the Examiner is not *prima facie* obvious and thus traverse the rejection.

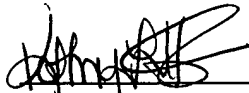
However, secondly, Applicants further traverse the rejection on the basis that the combination of the references does not in fact teach the invention as presently claimed. The present invention claims a plant package having a sleeve which in the flattened condition has a curved inner fold, shown for example as curved inner fold 26a in Figure 6A of the present specification. Evans teaches only a straight inner fold 20 in the gusset (Figure 4). No curved inner fold is taught, suggested, or shown in Evans when the sleeve is in the flattened condition shown in Figure 4.

Thus, the combination of the references does not arrive at the invention as presently claimed; the Examiner has not made a valid case for *prima facie* obviousness.

## **CONCLUSION**

In view of the above, Applicants respectfully submit the claims are now in a condition for allowance and request reconsideration and withdrawal of the rejection and issuance of a Notice of Allowance thereof.

Respectfully submitted,



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